

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RAMIRO ORITZ-GAMBOA,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:05CV27 RWS
)	
KEN CARLSON, WARDELL NANCE,)	
BUREAU OF IMMIGRATION AND))	
CUSTOMS ENFORCMENT)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before me on Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [#1]. Ortiz-Gamboa filed his petition on January 7, 2005, seeking to prevent his deportation to Mexico under the Immigration and Naturalization Act. Ortiz-Gamboa was deported on January 7, 2005, before this Court or the Government were made aware of the case. Although Ortiz-Gambora has been deported, the case is still pending before the Court.

On May 11, 2005, Congress passed the REAL ID Act of 2005, 109 P.L. 13, 8 U.S.C. §1252, which divested this Court of jurisdiction over this case. Sec. 106(c) of the REAL ID Act states:

Transfer of Cases.--If an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the

enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, or under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).


Ortiz-Gamboa's petition challenges the order of deportation. There is no other requested relief in the petition. As a result, I will order that this case be transferred to the United States Court of Appeals for the Eighth Circuit.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of this Court transfer this case to the United States Court of Appeals for the Eighth Circuit.

An Order of Transfer will accompany this Memorandum and Order.

Dated this 27th Day of June, 2005.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE